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## NOTICE OF ALLOWANCE AND FEE(S) DUE

23493 7590 04/15/2009

SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER

ZHOU, TING

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 04/15/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/788,603

02/21/2001

Elin R. Pedersen

CQ10184

4550

TITLE OF INVENTION: METHOD AND APPARATUS FOR MANAGEMENT AND REPRESENTATION OF DYNAMIC CONTEXT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	07/15/2009

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

23493 7590 04/15/2009

**SUGHRUE MION, PLLC**  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,603	02/21/2001	Elin R. Pedersen	CQ10184	4550

TITLE OF INVENTION: METHOD AND APPARATUS FOR MANAGEMENT AND REPRESENTATION OF DYNAMIC CONTEXT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	07/15/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
ZHOU, TING	2173	715-767000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date \_\_\_\_\_

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Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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09/788,603	02/21/2001	Elin R. Pedersen	CQ10184	4550
23493	7590	04/15/2009	EXAMINER	
SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037			ZHOU, TING	
			ART UNIT	PAPER NUMBER
			2173	
DATE MAILED: 04/15/2009				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 919 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 919 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/788,603	PEDERSEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	TING ZHOU	2173	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/26/09.
2. ☒ The allowed claim(s) is/are 1,4-11,13-20 and 22-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

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### **DETAILED ACTION**

1. The amendment filed on 26 January 2009 have been received and entered. Claims 1, 4-11, 13-20 and 22-29 as amended are pending in the application.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Fariba Sirjani (Reg. No. 47,947) on 1 April 2009.

3. The application is amended as follows:
  - a. The claims are amended as follows:
    - i. Claim 1 is amended as follows:

Claim 1. A computer-implemented method for managing dynamic context comprising:

storing associations between an activity stream and a representation element, the activity stream based on an activity beyond a perception of a user;

synthesizing a human sensible attribute of the representation element responsive to changes in the activity stream and the stored associations;

determining a focus of attention of the user;

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presenting the synthesized attribute of the representation element to the user at a periphery of the focus of attention, the periphery of the focus of attention being separated by a distance from the focus of attention of the user; and

dynamically changing the human sensible attribute of the representation element responsive to dynamic changes in the activity stream,

wherein varying portions of a graphical user interface associated with the representation element are being used in informing the user of the changes in the activity stream, and

wherein the dynamically changing the human sensible attribute is gradually increasing an intensity of the human sensible attribute, as a function of time and without user interaction, and as a means of notifying the user of the changes in the activity stream.

ii. Claim 11 is amended as follows:

Claim 11. A system for managing dynamic context, comprising:

a synthesizer circuit, each synthesizer circuit synthesizing a human-sensible attribute of a representation element based on changes in an activity stream, the activity stream based on an activity that is beyond a user's perception;

a memory that stores associations between the activity stream, the representation element and the synthesizer circuit;

a user focus of attention determining circuit that determines the user's focus of attention; and

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a user interface operable to present the synthesized human sensible attribute to the user using the representation element and operable to dynamically change the human sensible attribute of the representation element responsive to dynamic changes in the activity stream;

wherein varying portions of the user interface in a periphery of the user's focus of attention are being used to inform the user of the changes in the activity stream, the periphery of the user's focus of attention being separated by a distance from the focus of attention of the user, and

wherein dynamically changing the human sensible attribute is gradually increasing an intensity of the human sensible attribute as a function of time and without user interaction, and as a means of notifying the user of the change in the activity stream.

iii. Claim 26 is amended as follows:

Claim 26. A computer-implemented method for dynamically managing a focus and a periphery of attention of a user of a primary document on a display, the method comprising:

determining a focus of attention of the user;

detecting a change in an activity stream, the activity stream occurring outside of perception of the user;

determining a representation element associated with the activity stream, the representation element having human sensible attributes; and

dynamically changing the human sensible attributes responsive to the dynamic change in the activity stream,

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wherein the changing of the human sensible attributes is adapted to be sensed by the user in the periphery of the attention of the user, the periphery of the focus of attention being separated by a distance from the focus of attention of the user, and

wherein dynamically changing the human sensible attributes is gradually increasing intensity of the human sensible attributes, as a function of time and without user interaction, and as a means of notifying the user of the changes in the activity stream.

***Allowable Subject Matter***

4. Claims 1, 4-11, 13-20 and 22-29 allowed.

5. The following is an examiner's statement of reasons for allowance: The present invention teaches the management and presentation of dynamic context information to a user. Each of the independent claims identifies the distinct feature of presenting the synthesized human sensible attribute of the representation element to the user a periphery of the focus of attention that is separated by a distance from the focus of attention of the user, and wherein the dynamically changing the human sensible attribute is gradually increasing an intensity of the human sensible attribute, as a function of time and without user interaction, and as a means of notifying the user of the changes in the activity stream. The closest prior art, Pinard U.S. Patent 5,898,432 and Canaday et al. U.S. Patent 6,064,387 (hereinafter "Canaday") teach gradually increasing an intensity of the human sensible attribute of a representation element. In the case of the Pinard reference, Pinard teaches a memory that stores associations between an activity stream and a



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representation element, the activity stream based on an activity beyond a perception of a user (for example, associating the activity stream of a received electronic mail message with the displayed appearance of a cursor icon, as shown in Figure 4) (Pinard: column 1, lines 52-67 and column 4, lines 11-16); at least one synthesizer circuit, synthesizing a human sensible attribute of the representation element responsive to changes in the activity stream and the stored associations (synthesizing the displayed cursor icon based on changes; for example, the displayed cursor icon can be modified to the mail message cursor icon in order to indicate changes in the activity stream, such as arrival of a new electronic mail message) (Pinard: column 4, lines 11-16); presenting the synthesized human sensible attribute of the representation element to the user (upon the arrival of a new mail, the displayed appearance of the cursor is changed to be presented as a mail icon) (Pinard: column 1, line 52-column 2, line 9); and dynamically changing the human sensible attribute of the representation element responsive to dynamic changes in the activity stream (the human sensible attribute of the representation element, i.e. the displayed form of the cursor icon dynamically changes as the received function changes, i.e. as the system receives a mail message) (Pinard: column 4, lines 5-31), wherein varying portions of a graphical user interface associated with the representation element are being used in informing the user of the changes in the activity stream (the mail message cursor icon is displayed on varying portions of the graphical user interface, i.e. as the user moves the cursor around on the screen, in order to inform the user of changes in the activity stream, i.e. the arrival of new mail (Pinard: column 1, line 52-column 2, line 9 and column 3, line 33 – column 4, line 27). In the case of the Canaday reference, Canaday teaches dynamically increasing an intensity of the human sensible attribute (as the distance between the cursor and target icon increases, the intensity of the cursor, i.e. the

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flash rate of the cursor will increase to indicate a greater urgency) (Canaday: column 3, lines 44-50). However, the periphery of the focus of the attention of the user in Pinard and Canaday is attached to the cursor icon instead of being separated by a distance value, and the gradual increase in intensity of the human sensible attribute of the representation element in Pinard and Canaday occurs in response to deliberate user action, instead of as a function of time and as a means of notifying the user of the changes in the activity stream; therefore, the prior art fail to teach presenting the synthesized human sensible attribute of the representation element to the user a periphery of the focus of attention that is separated by a distance from the focus of attention of the user and gradually increasing an intensity of the human sensible attributes as a function of time and without user interaction, and as a means of notifying the user of the changes in the activity stream. Thus, the prior art fail to anticipate or render the above limitations obvious.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to TING ZHOU whose telephone number is (571)272-4058. The examiner can normally be reached on Monday - Friday 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on (571) 272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ting Zhou/  
Primary Examiner, Art Unit 2173